

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SCOTT KEITH ERNST,
Plaintiff,

v.

CARL FABIAN, et al.,
Defendants.

No. 2:24-cv-2949 CSK P

ORDER

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed his original complaint on October 25, 2024. (ECF No. 1.) Plaintiff did not file an application to proceed in forma pauperis or pay the filing fee. Accordingly, on November 5, 2024, this Court granted plaintiff thirty days to file an application to proceed in forma pauperis or to pay the filing fees. (ECF No. 3.) Plaintiff filed an amended complaint on November 15, 2024. (ECF No. 4.)

Thirty days passed from November 5, 2024 and plaintiff did not file an application to proceed in forma pauperis or pay the filing fees. Because it appears that plaintiff intends to prosecute this action, plaintiff is granted an additional thirty days to file an application to proceed in forma pauperis or to pay the filing fees. Failure to comply with this order will result in a recommendation of dismissal of this action.

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1 Plaintiff filed a motion for a temporary restraining order on December 13, 2024. (ECF
2 No. 5.) This Court will address plaintiff's motion for a temporary restraining order after plaintiff
3 files an in forma pauperis application or pays the filing fees.

4 Accordingly, IT IS HEREBY ORDERED that plaintiff is granted thirty days from the date
5 of this order to file an application to proceed in forma pauperis or to pay the filing fees of \$405;
6 failure to comply with this order will result in a recommendation of dismissal of this action.

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8 Dated: December 17, 2024

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10 CHI SOO KIM
11 UNITED STATES MAGISTRATE JUDGE
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